

# LODI UNIFIED SCHOOL DISTRICT

## Policy 4212

### Personnel

#### Appointment and Conditions of Employment

The Board of Education shall approve the appointment of all classified employees.

Individuals appointed to the classified staff shall:

1. Not have been convicted of a violent or serious felony or drug offenses defined in Education Code 44011 or sex offenses defined in Education Code 44010.
2. Submit to fingerprinting as required by law.
3. Submit to a physical examination and tuberculosis testing if required by law or Board policy.
4. File the oath or affirmation of allegiance required by Government Code 3100-3109.
5. Submit to drug and alcohol testing if required by law or Board policy.
6. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332.
7. Not have been required to register as a sex offender under Section 290 of the Penal Code because of a conviction for a crime where the victim was a minor under 16 years of age if the person will be working directly and in an unaccompanied setting with children on more than an individual and occasional basis or has supervisory or disciplinary power over children.

Classified staff shall also fulfill any other requirements as specified by law, contract, or Board policy or Board rule.

#### Additional Requirements for Instructional Aides

No person shall be initially assigned as an instructional aide without having demonstrated proficiency in basic reading, writing and mathematics skills.

These proficiency requirements shall equal or exceed those required by the district for high school seniors pursuant to Education Code 51216.

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If a district hires an instructional aide who has passed this requirement in another district, the employee may be considered to have met this requirement. However, the district may require the aide to take a proficiency exam upon determination that the test taken was not comparable to district standards.

Legal References:

Education Code

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications; classification

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45124 Employment of sexual psychopath

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination for tuberculosis

Government Code

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

Penal Code

290 Registration of sex offenders

290.95 Disclosure of person required to register as sex offender

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

Miller v Trinity County Bd of Education 121 Cal.App.3d 184 (App. 3 Dist. 1981)

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Policy  
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